



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,574	03/15/2004	Vanessa I. Chinea	82186688	1733
22879	7590	02/16/2012	EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				CRAWFORD, ERIK B
ART UNIT		PAPER NUMBER		
1641			NOTIFICATION DATE	
02/16/2012			DELIVERY MODE	
			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
ipa.mail@hp.com  
brandon.serwan@hp.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/800,574	CHINEA, VANESSA I.
	<b>Examiner</b>	<b>Art Unit</b>
	Erik B. Crawford	1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 02 February 2012.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) Claim(s) 1-10, 19-24 and 26-33 is/are pending in the application.
  - 5a) Of the above claim(s) 1-10 and 19-22 is/are withdrawn from consideration.
- 6) Claim(s) \_\_\_\_\_ is/are allowed.
- 7) Claim(s) 23,24 and 26-33 is/are rejected.
- 8) Claim(s) \_\_\_\_\_ is/are objected to.
- 9) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on 15 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Status of the Claims***

Claims 1-10, 19-24, and 26-33 are pending.

Claims 23, 24, and 26-33 are under examination.

Claims 1-10 and 19-22 are withdrawn.

Claims 11-18 and 25 are cancelled.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 January 2012 has been entered.

### ***Specification***

The disclosure is objected to because of the following informalities: the application number to which the present application is related to has been omitted from the specification (See page 1, line 6).

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (See p. 9). Applicant is required to delete the

Art Unit: 1641

embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 23, 24, and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tokie** (US 6,513,897; already of record) in view of **Strickley** (*Pharmaceutical Research*, Vol. 21, No. 2, pages 201-230, February 2004; already of record) and **Johnson et al.** (US 6,983,636 B2; hereinafter as “JOHNSON”; newly cited).

Independent claim 23 is drawn to a pharmaceutical dispensing apparatus, comprising:

a fluid dispenser, including:

a piezoelectric fluid ejection device or a thermal fluid ejection device; and a fluid reservoir in fluid communication with the piezoelectric fluid ejection device or the thermal fluid ejection device; and

a pharmaceutical solution to be contained in the fluid reservoir and to be dispensed from the piezoelectric fluid ejection device or the thermal fluid ejection device, the pharmaceutical solution including an active pharmaceutical ingredient dissolved in a vehicle;

wherein the pharmaceutical solution has a viscosity i) ranging from about 1.15 cps to about 1.44 cps. or ii) of 2.6 cps. and a fluid surface tension (a) ranging from about 39 dynes/cm to about 49 dynes/cm. (b) ranging from about 46 dynes/cm to about 54 dynes/cm or (c) of about 62 dynes/cm;

wherein the viscosity and the fluid surface tension are selected so that the pharmaceutical solution is dispensed at a predetermined dosage within a variation of reproducibility of less than about 15%;

and wherein the vehicle is configured to, or exposed to conditions sufficient to substantially prevent instability of the active pharmaceutical ingredient during the dispensing of the pharmaceutical solution.

TOKIE teaches a piezoelectric or thermal fluid dispensing system for dispensing fluid material onto a substrate, wherein the fluid materials may include solvent-based solutions (as seen as applicant's instant vehicle) containing one or more additive components, which may include pharmaceutical compounds (Abstract; column 5, line 63 to col. 6 line 2; col. 6, lines 39-43; col. 9, lines 17-20 and 44-48). The ink jet 120 (e.g., piezoelectric or thermal) is supplied with jettable material 127 (e.g., a pharmaceutical solution) from a fluid reservoir 128 in fluid communication with the ink jet 120 (Figure 2; col. 6 lines 10-31). A typical fluid for thermal ink-jetting typically has a viscosity in the range of 3 to 5 centiPoise (col. 9, lines 12-13).

However, TOKIE is silent as to the apparatus comprising a spectrophotometric device to measure an amount of the pharmaceutical solution that is dispensed.

JOHNSON teaches a calibration apparatus for calibrating or tuning non-contact liquid dispensing systems, such as that of TOKIE (Abstract). JOHNSON discloses that spectrophotometric techniques are preferred for measuring the volume of dispensed liquids in order to calibrate the non-contact liquid dispensing systems (col. 3, lines 41-63).

Therefore, it would have been *prima facie* obvious, to one of ordinary skill in the art, at the time the invention was made, to incorporate a spectrophotometric device, as taught by JOHNSON, into the dispensing apparatus of TOKIE.

One of ordinary skill in the art would have made such a modification in order to allow for determination of dispensed fluid volumes and thus allow for calibration and tuning the dispensing apparatus of TOKIE.

One of ordinary skill in the art would have a reasonable expectation of success in combining the teachings of TOKIE and JOHNSON as JOHNSON teaches that the disclosed calibration device and method are to be used with non-contact liquid dispensing systems, such as piezoelectric dispensers.

However, TOKIE and JOHNSON are silent as to the desired fluid surface tension of the pharmaceutical solution.

STRICKLEY discloses oral and injectable solution formulations for solubilizing water-insoluble drugs for oral and injection administration (Abstract). Digoxin is one example of a practically water insoluble drug that necessitates the use of a solubilizing

Art Unit: 1641

excipient, for example dimethylsulfoxide (DMSO), in order to solubilize the drug for oral or injection administration (page 204, Table I, 3rd listed molecule in left column; p. 209, Table II).

Therefore, it would have been *prima facie* obvious, to one of ordinary skill in the art, at the time the invention was made, to use digoxin as the pharmaceutical ingredient and DMSO as the vehicle, as taught by STRICKLEY, for the pharmaceutical solution in the apparatus of TOKIE.

One of ordinary skill in the art would have been motivated to incorporate digoxin and DMSO as the pharmaceutical solution in the apparatus of TOKIE in order to provide a solution in which digoxin is solubilized that can be coated onto a variety of substrates with increasing volumetric speeds using non-contact deposition techniques.

One of ordinary skill in the art would have a reasonable expectation of success in combining the teachings of TOKIE, JOHNSON, and STRICKLEY since TOKIE teaches using solvent-solutions comprising pharmaceutical compounds of non-contact deposition and STRICKLEY teaches the use of water-soluble organic solvents for solubilizing pharmaceutical compounds to be provided as oral or injectable formulations.

With respect to the specifically recited viscosities and fluid surface tensions in claim 23, TOKIE and STRICKLEY are both silent. However, when referring to claim 26 it is clear that the Applicant prefers digoxin as the pharmaceutical ingredient and DMSO as the vehicle. Thus, granted that STRICKLEY teaches digoxin as a pharmaceutical ingredient and DMSO as a vehicle it is asserted that the recited viscosity and fluid

surface tension ranges would necessarily be achieved when combining the teachings of TOKIE and STRICKLEY.

With respect to the limitation in claim 23 of "...the viscosity and the fluid surface tension are selected so that..." this limitation constitutes an active method step and does not impart any additional structural features to the claimed apparatus. Therefore, provided that TOKIE and STRICKLEY disclose all of the structural features of the claimed apparatus it is asserted that a skilled artisan would be equally capable of selecting specific viscosities and surface tensions of the pharmaceutical solution so that it is dispensed at a predetermined dosage within a variation of reproducibility of less than about 15%.

With respect to the specifically recited variation of reproducibility, TOKIE teaches accurate, reliable, and repeatable deposition of fluid materials (col. 8, line 66 to col. 8, line 2; col. 11, line 48-42), but does not specifically teach a variation of reproducibility of less than 15%. However, the recitation of "...a variation of reproducibility of less than about 15%," is considered an intended result that does not impart any additional structural features to the claimed apparatus. Therefore, provided that TOKIE in view of STRICKLEY disclose all of the structural features of the claimed apparatus it is asserted that their device is capable of achieving a variation of reproducibility of less than about 15%.

With respect to applicant's recitation of a, "...vehicle configured to, or exposed to conditions sufficient to substantially prevent instability of the active pharmaceutical ingredient (API)," in claim 23, TOKIE teaches pharmaceutical compounds as additives

to fluid materials, which include solvent-based solutions, but does not explicitly discuss the solvent-based solution preventing instability of the API. However, the Applicant has stated that the vehicle into which the API is dissolved includes at least one solvent (page 9, line 15-16). Therefore, since TOKIE teaches pharmaceutical compounds in solvent-based solutions it is asserted that TOKIE meets the limitation of preventing instability of the API during dispensing.

With respect to claim 24, TOKIE teaches that the fluid dispensing system described above is able to achieve an approximate drop volume of 100 picoliters (col. 6, line 46). Furthermore, TOKIE teaches pharmaceutical compounds as additives to fluid materials, which would indicate that the pharmaceutical compound is present at some concentration within the low volume droplets. TOKIE does not explicitly teach that the API is highly concentrated.

However, differences in concentration or temperature will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. “[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation.” In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955) (MPEP 2144.05).

With respect to claim 26, as mentioned in the rejection of claim 23 above, STRICKLEY teaches digoxin as the pharmaceutical ingredient and DMSO as the vehicle and TOKIE teaches that the dispensed fluid is contained in the fluid reservoir.

With respect to claim 27, TOKIE teaches that the substrate onto which the droplets are dispensed may include one or more types of materials (e.g. papers, polymeric films, laminates, metals, etc.) (col. 4, lines 41-52). As mentioned above, the variation of reproducibility is considered an intended result that does not impart any additional structural features to the claimed apparatus. Furthermore, it has long been settled to be no more than routine experimentation for one of ordinary skill in the art to discover an optimum value for a result effective variable.

With respect to claims 27-30, as mentioned above, the various ranges of the variation of reproducibility are considered intended results that do no impart any additional structural features to the claimed apparatus. Therefore, since the apparatus disclosed by TOKIE in view of STRICKLEY contains all of the recited structural features of the claimed apparatus it is considered to be capable of achieving the intended results.

With respect to claim 31, TOKIE teaches a pharmaceutical compound as an additive to a solvent-based solution, but does not discuss the solubility of said compounds.

However, the solubility of a pharmaceutical compound is an inherent physical property that is directly related to the concentration of a pharmaceutical compound solution that can be prepared. The adjustment of particular conventional working conditions (e.g., determining result effective amounts of the ingredients beneficially taught by the cited references) is deemed merely a matter of judicious selection and routine optimization which is well within the purview of the artisan of ordinary skill. Accordingly, manipulation of the amounts of solute and solvent in the preparation of solutions for dispensing or testing would have been well within the purview of the person of ordinary skill in the art and no more than an effort to optimize results.

With respect to claim 32, TOKIE teaches that the reservoir 128 and/or fluid communication pathway 129 may be heated to supply the fluid material at a desired temperature and/or viscosity in order to ensure proper jetting of the material 127 (Figure 2; col. 6, lines 10-15). Although TOKIE does not explicitly teach that the heating is performed so that the stability of the pharmaceutical solution is unaffected, this recited limitation is considered an intended use. Since the apparatus taught by TOKIE is capable of heating the vehicle, it is asserted that it would be capable of doing so in order to maintain stability of the pharmaceutical solution.

With respect to claim 33, as mentioned above, STRICKLEY teaches DMSO as the vehicle.

Claims 23, 24, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **TOKIE** in view of **JOHNSON** and further in view of **Winnik et al.** (US 5,541,633; hereinafter as "WINNIK").

With respect to claim 23, TOKIE teaches a piezoelectric or thermal fluid dispensing system for dispensing fluid material onto a substrate, wherein the fluid materials may include solvent-based solutions (as seen as applicant's instant vehicle) containing one or more additive components, which may include pharmaceutical compounds (Abstract; column 5, line 63 to col. 6 line 2; col. 6, lines 39-43; col. 9, lines 17-20 and 44-48). The ink jet 120 (e.g., piezoelectric or thermal) is supplied with jettable material 127 (e.g., a pharmaceutical solution) from a fluid reservoir 128 in fluid communication with the ink jet 120 (Figure 2; col. 6 lines 10-31). A typical fluid for thermal ink-jetting typically has a viscosity in the range of 3 to 5 centiPoise (col. 9, lines 12-13).

However, TOKIE is silent as to the apparatus comprising a spectrophotometric device to measure an amount of the pharmaceutical solution that is dispensed.

JOHNSON teaches a calibration apparatus for calibrating or tuning non-contact liquid dispensing systems, such as that of TOKIE (Abstract). JOHNSON discloses that spectrophotometric techniques are preferred for measuring the volume of dispensed liquids in order to calibrate the non-contact liquid dispensing systems (col. 3, lines 41-63).

Therefore, it would have been *prima facie* obvious, to one of ordinary skill in the art, at the time the invention was made, to incorporate a spectrophotometric device, as taught by JOHNSON, into the dispensing apparatus of TOKIE.

One of ordinary skill in the art would have made such a modification in order to allow for determination of dispensed fluid volumes and thus allow for calibration and tuning the dispensing apparatus of TOKIE.

One of ordinary skill in the art would have a reasonable expectation of success in combining the teachings of TOKIE and JOHNSON as JOHNSON teaches that the disclosed calibration device and method are to be used with non-contact liquid dispensing systems, such as piezoelectric dispensers.

However, TOKIE and JOHNSON are both silent as to the desired fluid surface tension of the pharmaceutical solution.

WINNIK teaches a thermal ink jet printing apparatus for dispensing a fluid (i.e. ink) onto a substrate (Abstract, col. 9, lines 31-35). The surface tension of the ink is preferably from about 25 to 45 dynes per square centimeter and the viscosity is preferably from about 1 to about 2.5 centiPoise (col. 11, lines 50-58; col. 12, lines 46-50).

Therefore, it would have been *prima facie* obvious, to one of ordinary skill in the art, at the time the invention was made, to use a pharmaceutical solution having the fluid material requirements (i.e. surface tension and viscosity) taught by WINNIK in the apparatus of TOKIE.

One of ordinary skill in the art would have been motivated to use a pharmaceutical solution having a viscosity and surface tension in the ranges taught by WINNIK as these are the preferred fluidic property requirements for fluids used in thermal ink jet printing, as suggested by WINNICK.

One of ordinary skill in the art would have a reasonable expectation of success in combining the teachings of TOKIE, JOHNSON, and WINNICK as each reference is drawn to non-contact fluid dispensing systems.

With respect to the limitation in claim 23 of "...the viscosity and the fluid surface tension are selected so that..." this limitation constitutes an active method step and does not impart any additional structural features to the claimed apparatus. Therefore, provided that TOKIE and STRICKLEY disclose all of the structural features of the claimed apparatus it is asserted that a skilled artisan would be equally capable of selecting specific viscosities and surface tensions of the pharmaceutical solution so that it dispense at a predetermined dosage within a variation of reproducibility of less than about 15%.

With respect to the specifically recited variation of reproducibility, TOKIE teaches accurate, reliable, and repeatable deposition of fluid materials (col. 8, line 66 to col. 8, line 2; col. 11, line 48-42), but does not specifically teach a variation of reproducibility of less than 15%. However, the recitation of "...a variation of reproducibility of less than about 15%," is considered an intended result that does not impart any additional structural features to the claimed apparatus. Therefore, provided that TOKIE in view of

STRICKLEY disclose all of the structural features of the claimed apparatus it is asserted that their device is capable of achieving a variation of reproducibility of less than about 15%.

With respect to applicant's recitation of a, " . . . vehicle configured to, or exposed to conditions sufficient to substantially prevent instability of the active pharmaceutical ingredient (API)," in claim 23, TOKIE teaches pharmaceutical compounds as additives to fluid materials, which include solvent-based solutions, but does not explicitly discuss the solvent-based solution preventing instability of the API. However, the Applicant has stated that the vehicle into which the API is dissolved includes at least one solvent (page 9, line 15-16). Therefore, since TOKIE teaches pharmaceutical compounds in solvent-based solutions it is asserted that TOKIE meets the limitation of preventing instability of the API during dispensing.

Claims 24 and 27-32 are rejected under TOKIE in view of WINNIK for the reasons previously set forth in the rejection under TOKIE in view of STRICKLEY, since rejection of these claims are based on teachings of TOKIE.

Claims 26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **TOKIE** in view of **JOHNSON** and **WINNIK** and further in view of **STRICKLEY**.  
**TOKIE** in view of **WINNIK** (combination hereinafter as "**TOKIE**") disclose a pharmaceutical dispensing apparatus, as described above.

However, TOKIE fails to disclose that the pharmaceutical ingredient is digoxin and the vehicle is DMSO.

With respect to claims 26 and 33, STRICKLEY discloses oral and injectable solution formulations for solubilizing water-insoluble drugs for oral and injection administration (Abstract). Digoxin is one example of a practically water insoluble drug that necessitates the use of a solubilizing excipient, for example dimethylsulfoxide (DMSO), in order to solubilize the drug for oral or injection administration (page 204, Table I, 3rd listed molecule in left column; p. 209, Table II).

Therefore, it would have been *prima facie* obvious, to one of ordinary skill in the art, at the time the invention was made, to use digoxin as the pharmaceutical ingredient and DMSO as the vehicle, as taught by STRICKLEY, for the pharmaceutical solution in the apparatus of TOKIE.

One of ordinary skill in the art would have been motivated to incorporate digoxin and DMSO as the pharmaceutical solution in the apparatus of TOKIE in order to provide a solution in which digoxin is solubilized that can be coated onto a variety of substrates with increasing volumetric speeds using non-contact deposition techniques.

One of ordinary skill in the art would have a reasonable expectation of success in combining the teachings of TOKIE and STRICKLEY since TOKIE teaches using solvent-solutions comprising pharmaceutical compounds for non-contact deposition and STRICKLEY teaches the use of water-soluble organic solvents for solubilizing pharmaceutical compounds to be provided as oral or injectable formulations.

***Response to Arguments***

Applicant's arguments with respect to the newly added limitation in claim 23, "a spectrophotometric device to measure an amount of the pharmaceutical solution that is dispensed" have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 29 December 2011 have been fully considered but they are not persuasive.

Applicant's argument that one skilled in the art would not combine Strickley with Tokie because Strickley is not at all related to inkjet printing, is not found persuasive. Tokie is being relied upon for teaching the pharmaceutical dispensing apparatus presently claimed. However, Tokie does not explicitly teach the desired viscosity or surface tension of the dispensed pharmaceutical solution. Thus, Strickley is relied upon for teaching a pharmaceutical solution comprising digoxin in a DMSO solvent, which Applicant has specified as the pharmaceutical solution in claim 26.

Moreover, Applicant's argument that one skilled in the art would not be led to randomly select pharmaceuticals and solvents that are outside of the viscosity range specifically provided by Tokie, is not found persuasive. Tokie is relied upon for teaching that the viscosity is a function of the temperature and that the temperature may be varied to provide the desired viscosity of the dispensed fluid material in order to ensure proper jetting of the material (col. 6, lines 12-17). Tokie provides an example of a typical fluid for thermal inkjetting that has a viscosity in the range of 3 to 5 centiPoise at 25 degrees Celsius, but does not limit the working viscosity range of the fluid material used

in the disclosed dispensing apparatus. Thus, Applicant's recitation of digoxin in DMSO as the pharmaceutical solution provided the guidance for addressing the viscosity and surface tension ranges using the Strickley reference.

***Conclusion***

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik B. Crawford whose telephone number is (571)270-1011. The examiner can normally be reached on Monday through Friday, 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Shibuya can be reached on (571)272-0806. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erik B. Crawford/  
Examiner, Art Unit 1641

/Melanie J Yu/  
Primary Examiner, Art Unit 1641